

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

PAC-WEST TELECOMM, INC.,	)	DOCKET UT-053036
	)	<i>(consolidated)</i>
Petitioner,	)	
	)	ORDER 14
v.	)	
	)	PREHEARING CONFERENCE
QWEST CORPORATION,	)	ORDER;
	)	NOTICE OF HEARING
Respondent.	)	(November 7-8, 2012)
	)	
.....	)	
	)	
LEVEL 3 COMMUNICATIONS, LLC,	)	DOCKET UT-053039
	)	<i>(consolidated)</i>
Petitioner,	)	
	)	ORDER 14
v.	)	
	)	PREHEARING CONFERENCE
QWEST CORPORATION,	)	ORDER;
	)	NOTICE OF HEARING
Respondent.	)	(November 7-8, 2012)
	)	
.....	)	

1 **NATURE OF PROCEEDINGS.** In 2005, Pac-West Telecomm, Inc. (Pac-West) and Level 3 Telecommunications, LLC’s (Level 3) (collectively Competitive Local Exchange Carriers, or CLECs) filed with the Washington Utilities and Transportation Commission (Commission) petitions for enforcement of their interconnection agreements with Qwest Corporation, which has now become Qwest Corporation d/b/a CenturyLink QC (Qwest). After the Commission’s 2006 final orders were challenged in federal court and remanded for decision, the Commission consolidated the proceedings and entered Order 13 in November 2011, resolving the issues on remand. In this next phase of the proceeding, the Commission will address any remaining legal and factual issues resulting from the CLECs’ original petitions for enforcement.

2 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on May 1, 2012, before acting Administrative Law Judge Ann E. Rendahl.

3 **APPEARANCES.** Arthur A. Butler, Ater Wynne LLP, Seattle, Washington, represents Pac-West. Lisa Rackner, McDowell Rackner & Gibson PC, Portland, Oregon, and Michael Shortly, Vice President – Legal, Rochester, New York, represent Level 3. Lisa A. Anderl, In-House Counsel, Seattle, Washington, and Thomas Dethlefs, In-House Counsel, Denver, Colorado, represent Qwest. Contact information provided for the parties’ representatives is attached as Appendix A to this order.

4 **DISCOVERY.** The matter is one that qualifies for discovery, and the discovery rules, WAC 480-07-400 – 425, are available. At this time discovery is limited to data requests. A deadline for completing discovery is set forth below in the Procedural Schedule. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

5 **PROCEDURAL SCHEDULE.** The parties agreed during the prehearing conference on a procedural schedule that the Commission adopts as follows, and as set forth in Appendix B.

Oral Argument on Qwest’s Petition	Monday, May 14, 2012, at 1:30 p.m.
Simultaneous Dispositive Motions	Friday, June 1, 2012
Simultaneous Responses to Motions	Friday, June 15, 2012
Order on Qwest’s Petition	By Friday, June 22, 2012
Discovery Period Ends	Friday, June 22, 2012
Telephonic Status Conference	Monday, July 2, 2012, beginning at 1:30 p.m.

Simultaneous Initial Testimony	Friday, September 7, 2012
Order on Dispositive Motions	By Friday, September 14, 2012
Simultaneous Responsive Testimony	Friday, October 12, 2012
Facilitated Settlement Conference (parties only)	Thursday, October 18, 2012, beginning at 9:30 a.m.
Evidentiary Hearings	November 7-8, 2012

- 6 **NOTICE OF ORAL ARGUMENT.** The Commission will hold oral argument on Qwest's Petition for Enforcement on **Monday, May 14, 2012, beginning at 1:30 p.m. in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** Persons who cannot attend in person may participate via the Commission's teleconference bridge line, **360-664-3846.**
- 7 **NOTICE OF STATUS CONFERENCE.** The Commission will convene a telephonic status conference in this proceeding, following the close of the discovery period and order on Qwest's petition. The status conference will be held on **Monday, July 2, 2012, beginning at 1:30 p.m. in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.** Persons who cannot attend in person may participate via the Commission's teleconference bridge line, **360-664-3846.**
- 8 **NOTICE OF HEARING.** The Commission will convene an evidentiary hearing in this matter. **The hearing will be held on November 7 and 8, 2012, beginning at 9:30 a.m. on Wednesday, November 7, 2012, in Room 108 of the Richard Hemstad Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.**
- 9 **WAIVER OF INITIAL ORDER.** The parties have agreed to waive an initial order in this case and have the Commission issue a final order at the conclusion of the case. The parties have also agreed to allow the Commission, rather than the administrative law judge, enter interlocutory orders on Qwest's Petition for Enforcement and dispositive motions on the remaining legal issues. Each of the parties will submit a letter confirming these waivers.

- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **eight (8)** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 11 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to [records@utc.wa.gov](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **eight (8)** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal ([www.utc.wa.gov/efiling](http://www.utc.wa.gov/efiling)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov). Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge ([mlovinge@utc.wa.gov](mailto:mlovinge@utc.wa.gov)) as well as to the parties to the proceeding.

14 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective May 8, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL  
Acting Administrative Law Judge

**APPENDIX A**

**PARTIES' REPRESENTATIVES  
DOCKETS UT-053036 & UT-053039**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
Pac-West Telecomm. Inc.	Sam Shiffman 6500 River Place Blvd., Building 2, Suite 200 Austin, Texas 78730	(209) 444-1443		<a href="mailto:regulatory@pacwest.com">regulatory@pacwest.com</a>
	Arthur A. Butler Ater Wynne LLP 601 Union Street, Suite 1501 Seattle, WA 98101-3980	(206) 623-4711	(206) 467-8406	<a href="mailto:aab@aterwynne.com">aab@aterwynne.com</a>
Level 3 Communications, LLC	Mr. Mack Greene Senior Carrier Negotiator 1025 Eldorado Blvd. Broomfield, CO 80021	(720) 888-3059		<a href="mailto:Mack.greene@level3.com">Mack.greene@level3.com</a>
	Lisa Rackner McDowell Rackner & Gibson PC 419 SW 11 <sup>th</sup> Avenue, Suite 400 Portland, OR 97205-2605	(503) 595-3925	(503) 595-3928	<a href="mailto:lisa@mcd-law.com">lisa@mcd-law.com</a>
Qwest Corporation d/b/a Century Link QC	Mark S. Reynolds 1600 7 <sup>th</sup> Avenue – Room 3206 Seattle, WA 98191	(206) 345-1568	(206) 343-4040	<a href="mailto:Mark.reynolds3@centurylink.com">Mark.reynolds3@centurylink.com</a>
	Lisa A. Anderl 1600 7 <sup>th</sup> Avenue – Room 1506 Seattle, WA 98191	(206) 345-1574	(206) 343-4040	<a href="mailto:Lisa.Anderl@CenturyLink.com">Lisa.Anderl@CenturyLink.com</a>

**APPENDIX B**  
**PROCEDURAL SCHEDULE**  
**DOCKETS UT-053036 & UT-053039**

<b>EVENT</b>	<b>DATE</b>
Oral Argument on Qwest's Petition for Enforcement	Monday, May 14, 2012, at 1:30 p.m.
Simultaneous Dispositive Motions	Friday, June 1, 2012
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Post-hearing Briefing	TBD